

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Oct 19, 2016**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOE STREETMAN,

Plaintiff,

v.

SYLVIA M. BURWELL, in her official  
capacities, UNITED STATES  
DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, MICHAEL  
BERRYHILL, in his official capacities,  
and MICHAEL H. WOLF, in his  
official capacities,

Defendants.

No. 4:16-CV-5008-SMJ

**ORDER GRANTING  
STIPULATED MOTION FOR  
CONDITIONAL DISMISSAL OF  
UNITED STATES' COUNTER  
CLAIM AND STIPULATED  
MOTION FOR DISMISSAL OF  
PLAINTIFF'S CLAIMS WITH  
PREJUDICE**

On October 13, 2016, the parties filed a Stipulated Motion for Conditional Dismissal of United States' Counter Claim, ECF No. 33, and Stipulated Motion for Dismissal of Plaintiff's Claims With Prejudice, ECF No. 34. Consistent with the parties' agreement and Federal Rule of Civil Procedure 41(a)(2),

**IT IS HEREBY ORDERED:**

1. The parties' Stipulated Motion for Conditional Dismissal of United States' Counter Claim, **ECF No. 33**, is **GRANTED**.

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2. Defendants' Counterclaim is **CONDITIONALLY DISMISSED**, with all parties to bear their own costs and attorneys' fees with the following conditions:

A. Plaintiff/Counterclaim Defendant, Joe Streetman, must comply with the terms of the settlement agreement, **Exhibit A, ECF No. 33-**

**1.**

B. The United States is permitted for a period of three years and three months from the date of this order, to seek relief if Plaintiff/Counterclaim Defendant, Joe Streetman, does not comply with the settlement agreement.

3. The parties' Stipulated Motion for Dismissal of Plaintiff's Claims With Prejudice, **ECF No. 34**, is **GRANTED**.

4. The Court retains jurisdiction over this case to enforce the settlement agreement, **Exhibit A, ECF No. 33-1**.

5. All remaining claims against Defendants are **DISMISSED WITH PREJUDICE**, with all parties to bear their own costs and attorneys' fees.

6. Once the parties completely fulfill the settlement agreements' terms, and enforcement is no longer necessary, they shall file a motion with this Court alerting the Court of that development and the

Defendant's Counterclaim shall be **DISMISSED WITH PREJUDICE**, with all parties to bear their own costs and attorneys' fees.

7. Should enforcement of settlement agreement become necessary, the party seeking enforcement shall file a motion with the Court detailing the nature of the alleged breach and requesting an appropriate remedy from the Court.


8. All pending motions are **DENIED AS MOOT**.

9. All hearings and other deadlines are **STRICKEN**.

10. The Clerk's Office is directed to **CLOSE** this file. However, consistent with this Order and upon a party's motion, this case may be reopened, within three years and three months from the date this Order is issued, should enforcement of the settlement agreement by this Court become necessary.

**IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and provide copies to all counsel.

**DATED** this 19th day of October 2016.

  
SALVADOR MENDOZA, JR.  
United States District Judge